

Amended**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED**Date of filing in State Engineer's Office NOV 04 2002Returned to applicant for correction NOV 20 2002Corrected application filed JAN 06 2003Map filed DEC 12 2002

The applicant **Frehner Construction Co., Inc.**, hereby make application for permission to change the **point of diversion manner of use and place of use of a portion** of water heretofore appropriated under decree issued by the **Eighth Judicial District Court of the State of Nevada** to the waters of the Las Vegas Artesian Basin on December 13, 1999 regarding V05814

1. The source of water is **Underground**
2. The amount of water to be changed **192.5 acres-feet**
3. The water to be used for **Mining & Milling**
4. The water heretofore permitted for **Mining**
5. The water is to be diverted at the following point **SW¼ SE¼ of Section 13 T23S, R60E, from the South ¼ corner of Sec. 13, T23S R60E on a bearing of N 10°31'27" East a distance of 1,309.15 feet.**
6. The existing permitted point of diversion is located within **SW¼ SE¼ Sec. 13, T23S R60E MDM Clark County Nevada, or at a point from which the SW corner of said Section 13, T23S R60E, MDB&M bears S 68°53'16" West a distance of 3,110.20 feet.**
7. Proposed place of use **see attached exhibit "A"**
8. Existing place of use **see attached exhibit "B"**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **drilled & cased well, underground pipelines, 75 hp submersible motor & 11 bowl pump**
12. Estimated cost of works **\$60,000⁰⁰**
13. Estimated time required to construct works **completed, see attached well drillers report, Notice of Intent No. 22551**
14. Estimated time required to complete the application of water to beneficial use **2 yrs.**
15. Remarks:

By **Philip Nelson**
s/Philip Nelson
4040 Frehner Road
North Las Vegas, NV 89030

Compared cmf/cac 1b/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Proof of Appropriation V-05814 is issued subject to the terms and conditions imposed in said Proof of Appropriation V-05814 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The issuance of Permit 69302 expires Permit 69317-T.
(CONTINUED ON PAGE 3)

"EXHIBIT A"

"7. PROPOSED PLACE OF USE..."

"SE 1/4. SE 1/4, SW 1/4✓ SEC 13 T23S, R60E
NE 1/4, SE 1/4, SW 1/4✓ SEC 13 T23S, R60E
N 1/2, S 1/2, SE 1/4✓ SEC 13 T23S, R60E
N 1/2, NW 1/4, SW 1/4✓ SEC 13 T23S, R60E
SE 1/4, NW 1/4✓ SEC 13 T23S, R60E
SE 1/4, NW 1/4, SW 1/4✓ SEC 13 T23S, R60E
NE 1/4, SW 1/4✓ SEC 13 T23S, R60E
N 1/2, SE 1/4✓ SEC 13 T23S, R60E
S 1/2, SW 1/4, NW 1/4✓ SEC 13 T23S, R60E
NE 1/4✓ SEC 13 T23S, R60E
NE 1/4, NE 1/4, NW 1/4✓ SEC 13 T23S, R60E
S 1/2, NE 1/4, NW 1/4✓ SEC 13 T23S, R60E
SE 1/4, SW 1/4✓ SEC 12 T23S, R60E
SW 1/4, SE 1/4✓ SEC 12 T23S, R60E"

EXHIBIT "B"

8. "EXISTING PLACE OF USE..." AS PER ORDER OF
DETERMINATION ON BASE RIGHT V-05814

SECTION	TOWN- SHIP	RANGE	N E				N W				S W				S E				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
SECTION: 12	T. 23 S.	R. 60 E.									20.0		40.0	40.0	20.0	20.0	40.0	40.0	220.0
SECTION: 13	T. 23 S.	R. 60 E.	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	30.0		20.0	40.0	40.0	40.0	20.0	550.0
SECTION: 18	T. 23 S.	R. 61 E.						40.0	40.0			40.0	40.0						160.0

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.28 cubic feet per second, but not to exceed 192.5 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

February 2, 2004

Proof of completion of work shall be filed on or before:

March 2, 2004

Water must be placed to beneficial use on or before:

February 2, 2005

Proof of the application of water to beneficial use shall be filed on or before:

March 2, 2005

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,


State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 11th day of July, A.D. 2003



State Engineer

Completion of work filed MAR 12 2004 WITHDRAWN BY APPLICANT JUL 15 2004
Proof of beneficial use filed  STATE ENGINEER
Cultural map filed N/A
Certificate No. _____ Issued _____